IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 25187 of 2007(W)

PETITIONER:

LIJO M.JACOB,
AGED 20 YEARS, S/O.JACOB M.JOHN,
MANEKKATTU, ATTUVA, IRANIKUDY PO,
NOORANADUVILLAGE, MAVELIKKARA TALUK.

BY ADV. SRI.JIJI MATHEW
SRI.N.SURESH

RESPONDENTS:

THE JOINT SECRETARY,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE, CHENNAI-40.

ADDL. R2. THE PRINCIPAL, ST. BURSOUMAS PUBLIC SCHOOL,
CHERUMUKHA, IRANIKUDY P.O., NOORNAD, MAVELIKARA TALUK.
(IMPLEADED AS PER ORDER ON IAA11948/07 DT. 18/10/2007).

R1 BY S.C. BY ADV. SRI.DEVAN RAMACHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 25187 OF 2007 W
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Dated this the 18th October, 2007

J U D G M E N T

The prayer in this writ petition is to quash Ext. P4 and to direct the 1st respondent to correct the date of birth of the petitioner in Exts. P2 and P3 as 18.6.1987. By Ext. P4 the application made by the petitioner has been rejected by the 1st respondent on the basis that it is not permissible in terms of Rule No. 69.2(i)of their examination bye-laws, 1995. A reading of Ext. P4 would indicate that the aforesaid rule has been taken as mandatory and that no departure is not possible. The said objection does not survive in view of the judgment of this Court in W.P.(C) Nos. 23934/05, 37476/04 and 19856/07 produced by the petitioner.

2. However, the learned counsel for the 1st respondent points out that in view of the correction of date of birth which has been carried out by the 2nd respondent-Principal, a proposal has to reach the 1st respondent from the school concerned.

3. Therefore, what is now required to be done is that the petitioner should make a proper application to the 2nd respondent Principal and thereupon the 2nd respondent should forward the school records to the 1st respondent for carrying out necessary correction at their end.

4. Accordingly, taking note of the submissions made by counsel on both sides I dispose of this writ petition directing that the petitioner shall submit an application for the correction addressed to the 2nd respondent in which event the 2nd respondent shall forward the same to the 1st respondent along with the connected records. On receipt of the same, the 1st respondent shall consider the request of the petitioner, untrammelled by Rule 69.2 of Examination Bye-laws, 1995 which has already been held to be directory by this Court. The process shall be completed by the 1st respondent as expeditiously as possible.

ANTONY DOMINIC
JUDGE

jan/-